

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

2BD ASSOCIATES LIMITED
PARTNERSHIP; A. JOHN BRISCUSO,
Plaintiffs-Appellants,

v.

COUNTY COMMISSIONERS FOR QUEEN
ANNE'S COUNTY; WILLIAM V. RIGGS,
III, President, County
Commissioners for Queen Anne's
County; ARCHIBALD A.
MACGLASHAN, III, Vice-President,
County Commissioners for Queen
Anne's County; OSCAR A. SCHULZ,
Commissioner, County
Commissioners for Queen Anne's
County,
Defendants-Appellees,

No. 95-2763

and

MARION R. LEAVERTON, Chairman,
Board of Appeals for Queen Anne's
County; MICHAEL R. FOSTER,
Counsel to the Board of Appeals for
Queen Anne's County,
Defendants.

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frank A. Kaufman, Senior District Judge.
(CA-94-698-K)

Argued: June 5, 1996

Decided: June 24, 1996

Before WIDENER, HALL, and MURNAGHAN, Circuit Judges.

Vacated and remanded with instructions by unpublished per curiam opinion.

COUNSEL

ARGUED: William D. Evans, Jr., Warren Kenneth Rich, RICH & HENDERSON, P.C., Annapolis, Maryland, for Appellants. Richard Timothy Colaresi, SHAPIRO & OLANDER, Annapolis, Maryland, for Appellees. **ON BRIEF:** Judith Bernstein-Gaeta, SHAPIRO & OLANDER, Annapolis, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Expressing no opinion on the merits of this case as presented, or on the effect thereupon of Quackenbush v. Allstate Insurance Company, No. 95-244, ___ U.S. ___ (June 3, 1996), we are of opinion that the judgment of the district court should be vacated and this case should be remanded for the district court to reconsider its entire decision, especially including any effect thereupon had by Quackenbush. In so doing, the district court may initiate such proceedings as it may deem appropriate.

VACATED AND REMANDED WITH INSTRUCTIONS